

1 AMENDMENT TO SENATE BILL 1212

2 AMENDMENT NO. _____. Amend Senate Bill 1212 on page 1,
3 line 5 by changing "9" to "4"; and

4 on page 1, by replacing lines 25 through 27 with the
5 following:

6 "funds made available pursuant to the Build Illinois Act.
7 "Public works" also includes all projects financed in whole
8 or in part with funds from the Fund for Illinois' Future
9 under Section 6z-47 of the State Finance Act, funds for
10 school construction under Section 5 of the General Obligation
11 Bond Act, funds authorized under Section 3 of the School
12 Construction Bond Act, funds for school infrastructure under
13 Section 6z-45 of the State Finance Act, and funds for
14 transportation purposes under Section 4 of the General
15 Obligation Bond Act."; and

16 by replacing lines 21 through 33 of page 3 and all of pages 4
17 through 6 with the following:

18 "(820 ILCS 130/4) (from Ch. 48, par. 39s-4)
19 Sec. 4. The public body awarding any contract for public
20 work or otherwise undertaking any public works, shall
21 ascertain the general prevailing rate of hourly wages in the
22 locality in which the work is to be performed, for each craft

1 or type of worker or mechanic needed to execute the contract,
2 and where the public body performs the work without letting a
3 contract therefor, shall ascertain the prevailing rate of
4 wages on a per hour basis in the locality, and such public
5 body shall specify in the resolution or ordinance and in the
6 call for bids for the contract, that the general prevailing
7 rate of wages in the locality for each craft or type of
8 worker or mechanic needed to execute the contract or perform
9 such work, also the general prevailing rate for legal holiday
10 and overtime work, as ascertained by the public body or by
11 the Department of Labor shall be paid for each craft or type
12 of worker needed to execute the contract or to perform such
13 work, and it shall be mandatory upon the contractor to whom
14 the contract is awarded and upon any subcontractor under him,
15 and where the public body performs the work, upon the public
16 body, to pay not less than the specified rates to all
17 laborers, workers and mechanics employed by them in the
18 execution of the contract or such work; provided, however,
19 that if the public body desires that the Department of Labor
20 ascertain the prevailing rate of wages, it shall notify the
21 Department of Labor to ascertain the general prevailing rate
22 of hourly wages for work under contract, or for work
23 performed by a public body without letting a contract as
24 required in the locality in which the work is to be
25 performed, for each craft or type of worker or mechanic
26 needed to execute the contract or project or work to be
27 performed. Upon such notification the Department of Labor
28 shall ascertain such general prevailing rate of wages, and
29 certify the prevailing wage to such public body. The public
30 body awarding the contract shall cause to be inserted in the
31 contract a stipulation to the effect that not less than the
32 prevailing rate of wages as found by the public body or
33 Department of Labor or determined by the court on review
34 shall be paid to all laborers, workers and mechanics

1 performing work under the contract. It shall also require in
2 all such contractor's bonds that the contractor include such
3 provision as will guarantee the faithful performance of such
4 prevailing wage clause as provided by contract. All bid
5 specifications shall list the specified rates to all
6 laborers, workers and mechanics in the locality for each
7 craft or type of worker or mechanic needed to execute the
8 contract. If the Department of Labor revises the prevailing
9 rate of hourly wages to be paid by the public body, the
10 revised rate shall apply to such contract, and the public
11 body shall be responsible to notify the contractor and each
12 subcontractor, of the revised rate. Two or more investigatory
13 hearings under this Section on the issue of establishing a
14 new prevailing wage classification for a particular craft or
15 type of worker shall be consolidated in a single hearing
16 before the Department. Such consolidation shall occur
17 whether each separate investigatory hearing is conducted by a
18 public body or the Department. The party requesting a
19 consolidated investigatory hearing shall have the burden of
20 establishing that there is no existing prevailing wage
21 classification for the particular craft or type of worker in
22 any of the localities under consideration.

23 It shall be mandatory upon the contractor or construction
24 manager to whom a contract for public works is awarded to
25 post, at a location on the project site of the public works
26 that is easily accessible to the workers engaged on the
27 project, the prevailing wage rates for each craft or type of
28 worker or mechanic needed to execute the contract or project
29 or work to be performed. A failure to post a prevailing wage
30 rate as required by this Section is a violation of this Act.

31 (Source: P.A. 92-783, eff. 8-6-02.)"